

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 27-50, including independent claims 27, 42, and 48, are currently pending in the present application. Independent claim 27, for instance, is directed to a diffraction-based assay device for detecting the presence of an analyte. The device comprises a substrate on which a binder is present in a pattern and also a fluidic guide. The fluidic guide is in direct communication with the substrate, and includes at least one channel through which a fluid sample is capable of flowing via capillary action. Such an integrated device may be advantageously used by individuals at home to monitor health-related conditions.


In the Office Action, previous claims 1-26 were rejected under 35 U.S.C. §§102(b) or (e) in view of U.S. Patent No. 5,922,550 to Everhart, et al.; U.S. Patent No. 6,221,579 to Everhart, et al.; and WO 01/44813. However, Applicants respectfully submit that none of the cited references disclose the assay device of the present claims. For example, the cited references refer to embodiments in which dipsticks are immersed into a liquid suspected of containing the analyte of interest. (See e.g., Everhart, et al. '579; Col. 9, ll. 57-67). Likewise, Everhart, et al. '550 describes an embodiment in which a fluid test sample is added to a substrate via "buffer drops." (Col. 15, ll. 55-65). However, the cited references fail to disclose the fluidic guide of the assay device set forth in independent claim 27, for instance, which is in direct communication with the substrate, and includes at least one channel through which the

fluid sample is capable of flowing via capillary action. Thus, Applicants respectfully submit that the present claims patentably define over the above-cited references.

As such, for at least the reasons set forth above, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Alexander is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,
DORITY & MANNING, P.A.



Jason W. Johnston
Registration No.: 45,675

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Facsimile: (864) 233-7342

Date: 1/27/05